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PATENT

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop PETITION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 18, 2004.

Randall S. Jackson, Jr.

Randall S. Jackson, Jr.

Reg. No. 48,248

Serial No.: 10/711,119
Filed: August 25, 2004
Art Unit: 3634
Applicant(s): Bogdan Radu, John D. Youngs, and James Gregory
Title: Automotive Hardware Carrier and Method of Making Same
Atty. Docket: MASL-47
Conf. No: 5118

Cincinnati, Ohio 45202

November 18, 2004

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION UNDER 37 C.F.R. § 1.47(a)
TO ACCEPT UNSIGNED DECLARATION

Applicants John D. Youngs and James Gregory, hereby petition the Patent Office to accept the previously submitted and unsigned Declaration by Bogdan Radu, a joint inventor refusing to join in the above-referenced application for patent. Attached is a Statement of Facts in support thereof.

As set out in the accompanying Statement of Facts and attached Exhibits, joint inventors John D. Youngs and James Gregory signed and submitted a Declaration in conjunction with the filing of the above-referenced application. This Declaration was submitted without the signature of joint inventor Bogdan Radu. However, on more than one occasion, Mr. Radu was presented with the patent application along with a Declaration for execution. In addition, numerous telephone conversations have taken place with and correspondence sent to Mr. Radu requesting execution of the same. Yet, Mr. Radu continues to refuse to sign and join in the application for patent. In view thereof, Applicants request acceptance of this petition to preserve their rights or to prevent irreparable damage.

This is authorization for the Commissioner to charge \$130.00 for the petition fee to Deposit Account 23-3000. Applicants believe that no other fees are due in connection with this petition. However, if such petition is due or any other fees are necessary, the Commissioner may consider this to be a request for such and charge any necessary fees to deposit account 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

Randall S. Jackson, Jr.

Randall S. Jackson, Jr.

Reg. No. 48,248

2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202
(513) 241-2324
1.47b petition.wpd



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 10/711,119
Filed: August 25, 2004
Art Unit: 3634
Applicant(s): Bogdan Radu, John D. Youngs, and James Gregory
Title: Automotive Hardware Carrier and Method of Making Same
Atty. Docket: MASL-47
Conf. No: 5118

Cincinnati, Ohio 45202

November 18, 2004

the specification of which:

- (a) ☐ is attached hereto
- (b) ☒ was filed on August 25, 2004, and was accorded Application Serial No. 10/711,119.
- (c) ☐ was described and claimed in International Application No. _____ filed on _____ and as amended on _____
(If any).

**STATEMENT OF FACTS IN SUPPORT OF FILING
ON BEHALF OF NON-SIGNING INVENTOR (37 CFR §1.47a)**

This statement is being made to provide proof of the pertinent facts establishing the efforts made to obtain execution of a Declaration by Bodgan Radu, the non-signing joint inventor, and his refusal to sign same for the above-identified patent application. Accordingly, this action is necessary to preserve the rights of the parties or to prevent irreparable damage.

This statement is being made by the available person having first-hand knowledge of the facts recited therein.

IDENTIFICATION OF PERSON MAKING THIS STATEMENT OF FACTS

Name: Randall S. Jackson, Jr.

Address: Wood, Herron & Evans, L.L.P.
2700 Carew Tower
441 Vine Street
Cincinnati, Ohio 45202



LAST KNOWN ADDRESS OF THE NON-SIGNING INVENTOR

Name of non-signing inventor: Bogdan Radu

Last known address of non-signing inventor: 16011 Knollwood Drive, Dearborn, Michigan 48120

STATEMENT OF FACTS

I am a patent attorney for the law firm of Wood, Herron & Evans, LLP. On, or about, June 15, 2004, I began corresponding with Bogdan Radu to enable me to prepare the above referenced and now filed U.S. patent application. At that time, Mr. Radu was an employee of Lear Corporation and understood to be a joint inventor of the application, along with John D. Youngs and James Gregory.

After preparation and completion of a draft of the U.S. patent application, a copy of the same and a Declaration were forwarded via e-mail to Mr. Radu on July 24, 2004 with a request that he review the application and sign the Declaration if revisions were unnecessary. A copy of this request is attached as Exhibit A. Revisions to this initial draft were made based upon comments received from the inventors, including Mr. Radu. After which time, a second and, yet, a third (and final version) of the application was forwarded to Mr. Radu, respectively, on August 1, 2004, and August 6, 2004. Copies of this correspondence are attached as Exhibits B and C.

After the final version of the application was forwarded on August 6, 2004, numerous telephone conversations took place between Mr. Radu and me on, or about, August 9th, 11th, and 19th, 2004 wherein one or more discussions regarding the execution of the Declaration took place. On August 18, 2004, an executed Declaration was obtained from joint inventors John D. Youngs and James Gregory. A copy of their executed Declaration is attached hereto as Exhibit D. On August 19, 2004, a letter from Mr. Radu's newly hired counsel, Karen Smith Kienbaum, was received as an attachment to an e-mail, stating that all contact with Mr. Radu be ceased. A copy of this correspondence is attached as Exhibit E.

Shortly thereafter, the U.S. application was filed with the U.S. Patent & Trademark Office on August 25, 2004 along with the Declaration of Exhibit D unsigned by Mr. Radu.

Most recently, another copy of the patent application and a Declaration were forwarded along with a letter to Mr. Radu's counsel on October 12, 2004, again requesting execution of the Declaration by Bogdan Radu. This letter further requested that the executed Declaration be received by November 12, 2004. A copy of the letter is attached as Exhibit F which also includes a copy of a signed delivery receipt. To date, I have received neither a response to my letter nor a signed Declaration.

In view of the above, it is hereby requested that the U.S. Patent & Trademark Office accept the previously submitted Declaration of John D. Youngs and James Gregory, unsigned by Bogdan Radu, in accordance with 37 C.F.R. 1.47(a). Acceptance is required to preserve the Applicants' rights and to prevent irreparable damage which will result if the above-referenced application becomes abandoned.

Date: November 18, 2004

Randall S. Jackson, Jr.
Randall S. Jackson, Jr., Reg. No. 48,248

From: Randy Jackson
To: bogdanradu@yahoo.com
Date: 7/24/2004 1:27:38 PM
Subject: Lear reference: 04831; Our reference: MASL-47 (Two shot door hardware carrier)

Dear Mr. Radu,

Per our conversation, please find a draft of the above-identified patent application attached for your review. Please study the text and drawings in detail and make any corrections, additions, or deletions that you feel are necessary to adequately describe the invention in such detail as to enable a person of ordinary skill in this technology to make and use the invention. When reviewing the application, please keep in mind that the application must also set forth what you believe to be the best mode or manner of making and using the invention.

I note that Lear's filing deadline is no later than the end of Tuesday, July 28th. As such, please do your best to get back to me no later than the end of Monday/early Tuesday with any comments on the application.

Also attached to this email is a Declaration and Assignment form for you to sign. If no further revisions to the patent application are necessary, please execute the formal papers. Prior to executing the papers, please verify that your information is correct as presented on the documents. When executing these documents, please be sure to use blue ink. Please note that the Assignment must be notarized. If there are any other revisions necessary to the application, please do not execute the documents but call me to discuss the revisions.

Please also note that there is attached a new form titled "1.56 Duty to Disclose Information Important to Patentability" explaining the importance of disclosing to us all information known by you that may be relevant to your invention so that we may forward it, as required, to the U.S. Patent and Trademark Office.

Accordingly, kindly forward the formal papers, including the "1.56 Duty to Disclose Information Important to Patentability" form, for this case to me no later than early Tuesday, July 28th. You may fax the documents to my attention at the number listed below, and send the executed originals via regular mail.

If you have any questions, please do not hesitate to call me. Thank you.

Best Regards,
Randy Jackson

Randall S. Jackson, Jr.
Attorney at Law
Wood, Herron & Evans, L.L.P.
Suite 2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202
513-241-2324 (Ext. 413)
513-241-6234 (Fax)
rjackson@whepatent.com

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From: Randy Jackson
To: bogdanradu@yahoo.com; jgregory@lear.com; jyoungs02@lear.com
Date: 8/1/2004 11:27:55 AM
Subject: Lear reference 04831; Our reference: MASL-47 (two shot door hardware carrier)

Dear Messrs. Radu, Youngs, and Gregory,

As promised, please find attached a revised and finalized draft patent application for the above referenced matter. It should sufficiently incorporate the comments and suggestions of both Mr. Radu and Mr. Youngs. You should that additional figures 1C-1E, and 4A and 4B are now included in the drawings, as well as additional verbiage in the specification to explain the additional figures.

Please review the revised draft on an expeditious basis and advise me as to whether the draft is appropriate for filing. Formal papers may be executed if there are no additional changes/revisions. As indicated earlier, I will inform all inventors, via email or telephone, when it is OK to execute their formal papers and fax them to me.

If you have any questions, comments, and/or concerns in the meantime, please do not hesitate to contact me.

Best Regards,
Randy Jackson

Randall S. Jackson, Jr.
Attorney at Law
Wood, Herron & Evans, L.L.P.
Suite 2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202
513-241-2324 (Ext. 413)
513-241-6234 (Fax)
rjackson@whepatent.com

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CC: Hines, Melanie; Rooney, Kevin

From: Randy Jackson
To: bogdanradu@yahoo.com; jgregory@lear.com; jyoungs02@lear.com
Date: 8/6/2004 11:29:46 AM
Subject: Lear reference 04831; Our reference: MASL-47 (two shot door hardware carrier)

Dear Messrs. Radu, Youngs, and Gregory,

Please find attached a revised final draft II for your review. Per Mr. Youngs comments, this version now incorporates the idea that the door hardware carrier with seal further may serve a dual role as both the door trim panel and hardware carrier. Accordingly, the door trim panel is effectively integrated into the hardware carrier such that the A-side of the carrier is the interior side of the door assembly.

Mr. Gregory, as I understand it, you have been away on vacation. Upon your return, you may disregard the earlier revised and forwarded final draft and focus your review on the enclosed version.

Mr. Radu, I have been unable to reach you on your cell phone and cannot leave a message due to the fact that you do not have voice mail. Is there a better way to reach you when I need to speak with you directly? Please advise.

Please expedite your reviews and respond to me ASAP as to whether I have your approval of this final version. We need to get this application filed. Thank you.

Regards,
Randy Jackson

Randall S. Jackson, Jr.
Attorney at Law
Wood, Herron & Evans, L.L.P.
Suite 2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202
513-241-2324 (Ext. 413)
513-241-6234 (Fax)
rjackson@whepatent.com

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CC: Hines, Melanie; Rohan, Mel; Rooney, Kevin

Attorney Docket No. MASL-47**DECLARATION, POWER OF ATTORNEY, AND PETITION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

AUTOMOTIVE HARDWARE CARRIER AND METHOD OF MAKING SAME

the specification of which (check one below):

- ☒ (X) is attached hereto.
- ☐ () was filed on ___ as Application Serial No. ___ or Express Mail No. ___, and was amended on ___ (if applicable).
- ☐ () was filed on ___ as PCT International Application No. ___, and as amended under PCT Article 19 on ___ (if any).

I have reviewed and understand the contents of the specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)**Priority Claimed?**

| | | | |
|----------|-----------|----------------------|----------------|
| _____ | _____ | _____ | () Yes () No |
| (Number) | (Country) | Day/Month/Year Filed | |
| _____ | _____ | _____ | () Yes () No |
| (Number) | (Country) | Day/Month/Year Filed | |
| _____ | _____ | _____ | () Yes () No |
| (Number) | (Country) | Day/Month/Year Filed | |

I hereby claim the benefit under Title 35, United States Code, §120 and/or §119(e) of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations §1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application.

| | | |
|--------------|---------------|---|
| _____ | _____ | _____ |
| (Serial No.) | (Filing Date) | (Status: Patented, Pending, or Abandoned) |
| _____ | _____ | _____ |
| (Serial No.) | (Filing Date) | (Status: Patented, Pending, or Abandoned) |
| _____ | _____ | _____ |
| (Serial No.) | (Filing Date) | (Status: Patented, Pending, or Abandoned) |

I appoint the practitioners associated with the customer number 37,690 to be my attorneys or agents, with full power of substitute and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Address all correspondence and telephone calls to

Kevin G. Rooney

Address of customer number 37,690
Telephone (513) 241-2324
Facsimile (513) 241-6234

I request that the United States Patent and Trademark Office grant a U.S. patent for the invention described and claimed in the specification identified above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of Inventor Boqdan Radu

Inventor's Signature _____ Date _____

Residence City/State Dearborn, Michigan Citizenship Canada

Post Office Address 16011 Knollwood Drive, Dearborn, Michigan 48120

Full name of Inventor John D. Youngs

Inventor's Signature  Date 8-18-04

Residence City/State Southgate, Michigan Citizenship U.S.

Post Office Address 15612 Cameron Street, Southgate, Michigan 48195

Full name of Inventor James Gregory

Inventor's Signature  Date 8-18-04

Residence City/State Harrison Township, Michigan Citizenship U.S.

Post Office Address 39040 Parkway Circle, Harrison Township, Michigan 480458

From: "Darren J. Burmania" <djb@ksklaw.com>
To: <rjackson@whepatent.com>
Date: 8/19/2004 1:52:58 PM
Subject: Bogdan Radu - Patent Application #04831

Please see attached letter.

This communication is intended to be privileged and confidential, and for the sole use of the addressee(s). Any other use is strictly prohibited. If you receive this message in error, please destroy this communication and contact the sender immediately.



Karen Smith Kienbaum & Associates
400 Monroe, Suite 470, Detroit, MI 48226
313 967-0700/fax 313 967-0244/www.ksklaw.com

A law practice emphasizing Labor, Employment
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August 19, 2004

Transmitted by Email

Randall S. Jackson, Esq.
Wood, Herron and Evans
2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202-2917

CONFIDENTIAL

Re: Mr. Bogdan Radu

Dear Mr. Jackson,

Our office represents Mr. Bogdan Radu (patent application #04831). Your client Lear Corporation has recently terminated Mr. Radu. Therefore, because Lear no longer employs Mr. Radu, we ask that your office refrain from contacting him regarding any of his patent submissions, or for any other matter. Hopefully Mr. Radu will be able to work out an agreement with Lear that will allow him to continue to work with you and your firm as a consultant regarding any pending patents.

Thank you in advance for your anticipated cooperation. If you have any questions, please feel free to contact my office at (313) 967-0700. If I am not available please speak with my colleague, Darren Burmania.

Sincerely,

Karen Smith Kienbaum & Associates

Karen Smith Kienbaum

KSK:lm

7004 0750 0002 4977 5151

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Sent To: **WOOD, HERRON + EVANS, LLP**
 Street, Apt. No., or PO Box No.: **2700 CAREW TOWER**
 City, State, ZIP+4: **CINTI, OH 45202**

PS Form 3800, June 2002 See Reverse for Instructions

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7004 0750 0002 4977 5151

WOOD, HERRON & EVANS, L.L.P.

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OF COUNSEL
JOHN D. POFFENBERGER
THOMAS W. FLYNN

2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OHIO 45202-2917
TELEPHONE: 513-241-2324
FACSIMILE: 513-241-6234
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PATENT, TRADEMARK, COPYRIGHT
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AND RELATED LITIGATION

EDMUND P. WOOD 1923-1968
TRUMAN A. HERRON 1935-1976
EDWARD B. EVANS 1936-1971

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STEVEN W. BENINTENDI, Ph. D.
RANDALL S. JACKSON, JR.

*ADMITTED ONLY IN D.C. AND VA

October 12, 2004
Via Certified Mail/Return Receipt

Karen Smith Kienbaum, Esq.
Karen Smith Kienbaum & Associates
400 Monroe
Suite 470
Detroit, MI 48226

Re: Mr. Bogdan Radu
Patent Application No. 10/711,119, filed 8/25/2004
Automotive Hardware Carrier and Method of Making Same
Our ref: MASL-47; Lear No. 04831

Dear Ms. Kienbaum,

Based on your correspondence dated August 19, 2004, I am contacting you as legal counsel for Bogdan Radu and trust that you will promptly communicate this to your client.

As you are aware, Bogdan Radu is currently named as an inventor in the above-identified patent application (copy enclosed). As such, please also find enclosed a Declaration, an Assignment, and a form titled "1.56 Duty to Disclose Information Important to Patentability" for execution by Mr. Radu. Please note that the "1.56 Duty to Disclose Information Important to Patentability" form explains the importance of disclosing to us all information known by Mr. Radu that may be relevant to the invention so that we may forward it, as required, to the U.S. Patent and Trademark Office.

It is our current understanding that the enclosed patent application incorporated all comments as received from each inventor, including Mr. Radu. And, in view of the recent filing of this patent application, the enclosed formal papers now must be executed and filed with the U.S. Patent and Trademark Office.

Karen Smith Kienbaum, Esq.

October 12, 2004

Page 2

Please be aware that I previously forwarded the aforementioned forms, along with a copy of the patent application, to Mr. Radu prior to his obtaining legal counsel. However, he has continuously refused to sign these documents. It is our further understanding that Mr. Radu is required to assign his rights in this application to Lear Corporation (See enclosed "Employee Confidential Information and Intellectual Property Agreement").

Kindly attend to the execution of the enclosed documents by Mr. Radu. Prior to his execution of the papers, please verify that his information is correct as presented on the documents. When Mr. Radu executes these documents, be sure that blue ink is used. Please also note that the Assignment must be notarized.

Please forward the executed documents to us so that we receive them no later than Friday, November 12, 2004. You may fax the documents to my attention at the number listed above, and send the executed originals via regular mail.

If you have any questions, please do not hesitate to call.

Very truly yours,

Randall S. Jackson, Jr.

Randall S. Jackson, Jr.

enclosures

cc: Larry I. Shelton, Esq. (w/o enclosures)
Kevin G. Rooney, Esq. (w/o enclosures)

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